

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

IN RE ALTA MESA RESOURCES, INC. SECURITIES LITIGATION	CASE NO. 4:19-CV-00957 (CONSOLIDATED)  JUDGE GEORGE C. HANKS, JR.  THIS DOCUMENT RELATES TO:  CASE NO. 4:22-CV-01189 CASE NO. 4:22-CV-02590
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**THE DIRECT ACTION PLAINTIFFS’ UNOPPOSED MOTION TO SEAL  
(1) THE DIRECT ACTION PLAINTIFFS’ MOTION TO EXCLUDE THE  
TESTIMONY OF STEVEN J. PULLY AND TO PARTIALLY EXCLUDE THE  
TESTIMONY OF CHARLES WHITEHEAD (DKT. 522) AND (2) THE ROLNICK  
DECLARATION AND EXHIBITS SUBMITTED THEREWITH (DKT. 524)**

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The Alyeska Plaintiffs and the Orbis Plaintiffs<sup>1</sup> (collectively, “Direct Action Plaintiffs”) respectfully request leave to file under seal unredacted copies of (1) the Direct Action Plaintiffs’ Motion to Exclude the Testimony of Steven J. Pully and to Partially Exclude the Testimony of Charles Whitehead (Dkt. 522), and (2) the Rolnick Declaration,<sup>2</sup> together with the exhibits thereto (Dkt. 524) (collectively, the “Direct Action Plaintiffs’

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<sup>1</sup> The “Alyeska Plaintiffs” are: Alyeska Master Fund, L.P., Alyeska Master Fund 2, L.P., and Alyeska Master Fund 3, L.P. The “Orbis Plaintiffs” are: Orbis Global Equity LE Fund (Australia Registered), Orbis Global Equity Fund (Australia Registered), Orbis Global Balanced Fund (Australia Registered), Orbis SICAV, Orbis Institutional Global Equity L.P., Orbis Global Equity Fund Limited, Orbis Institutional Funds Limited, Allan Gray Australia Balanced Fund, Orbis OEIC, and Orbis Institutional U.S. Equity L.P.

<sup>2</sup> The “Rolnick Declaration” is the Declaration of Lawrence M. Rolnick in Support of the Direct Action Plaintiffs’ Motion to Exclude the Testimony of Steven J. Pully and to Partially Exclude the Testimony of Charles Whitehead.

Motion to Exclude Pully and Whitehead”). Defendants do not object to the relief sought in this motion.

As grounds for this motion, the Direct Action Plaintiffs state as follows:

1. On August 17, 2021, the Court entered the Stipulation and Protective Order (“PO”) (Dkt. 190), which governs the handling of confidential information exchanged in discovery in this matter.

2. According to Paragraph 24 of the PO, “[i]f any party submits Confidential Discovery Material or Confidential Attorney Eyes Only Discovery Material to the Court, the submission must be filed only under seal on CM/ECF if filed electronically[.]” PO at ¶ 24 (emphasis added).

3. The Direct Action Plaintiffs’ Motion to Exclude Pully and Whitehead contains, describes and refers to non-public documents and information that has been designated by the parties and nonparties as Confidential Discovery Material or Confidential Attorney Eyes Only Discovery Material, pursuant to the PO.

4. On December 21, 2023, prior to the filing of the Direct Action Plaintiffs’ Motion to Exclude Pully and Whitehead, Direct Action Plaintiffs asked counsel for all Defendants and the Class Plaintiffs by e-mail if they opposed the filing of the Direct Action Plaintiffs’ Motion to Exclude Pully and Whitehead under seal, and no counsel opposed or objected to the filing.

5. Today, pursuant to the PO, the Direct Action Plaintiffs filed the Motion to Exclude Pully and Whitehead under seal. The Direct Action Plaintiffs will file public,

redacted version of the Motion to Exclude Pully and Whitehead within five (5) business days.

6. The Direct Action Plaintiffs are bound by the provisions of the PO, and therefore must, and now do, seek leave to file the Direct Action Plaintiffs' Motion to Exclude Pully and Whitehead under seal.

THEREFORE, the Direct Action Plaintiffs request that the Court grant their request for leave to file under seal unredacted copies of their (1) Motion to Exclude Pully and to Whitehead (Dkt. 522) and (2) the Rolnick Declaration, together with the exhibits thereto (Dkt. 524).

Dated: December 22, 2023

Respectfully submitted,

By: /s/ Lawrence M. Rolnick

Lawrence M. Rolnick

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**CERTIFICATE OF SERVICE**

I certify that this motion has been served on counsel of record via the Court's ECF system on December 22, 2023.

/s/ Lawrence M. Rolnick

Lawrence M. Rolnick

**CERTIFICATE OF CONFERENCE**

I certify that on December 21, 2023, counsel for Direct Action Plaintiffs conferred with counsel for all Defendants and the Class Plaintiffs regarding the substance of this Motion. No parties opposed.

/s/ Lawrence M. Rolnick

Lawrence M. Rolnick